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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/07/2001

Peter Malcolm

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10/20/2006

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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,704

Applicant(s)

MALCOLM, PETER

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46, 114-157, 178-261, 304-353, 377-418, 438-460 and 476-585 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1-8, 11-31, 34-46, 114, 115, 121, 124-137, 143-157, 178, 179, 181, 182, 184-191, 195, 205, 207-221, 223-227, 237, 247, 249-261, 304-311, 313-330, 336, 338- 353, 377, 378, 388- 399, 409-415, 417, 418, 438-445, 449-460, 476, 477, 483, 486-499, 501, 502, 505, 515, 525-551, 553-566 and 576-585 .

Continuation of Disposition of Claims: Claims objected to are 9, 10, 32, 33, 116-120, 122, 123, 138-142, 180, 183, 192-194, 196-204, 206, 222, 228-236, 238-246, 248, 312, 331-335, 337, 379-387, 400-408, 416, 446- 448, 478-482, 484, 485, 500, 503, 504, 506-514, 516-524, 552 and 567-575 .

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 08/03/2006. Regarding the status of the claims in the instant application, the Examiner has found new prior art. The Examiner is obliged to apply the newly found prior art. The Examiner regrets the delayed process of the application. Accordingly, claims 1-46, 114-157, 178-261, 304-353, 377-418, 438-460 and 476-585 are pending.

Allowable Subject Matter

2. Claims 9, 10, 32, 33, 116-120, 122, 123, 138-142, 180, 183, 192-194, 196-204, 206, 222, 228-236, 238-246, 248, 312, 331-335, 337, 379-387, 400-408, 416, 446-448, 478-482, 484, 485, 500, 503, 504, 506-514, 516-524, 552 and 567-575 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

3. Claim 329 is objected to because of the following informalities: Claim 329 recites the " may be", Applicant is advised to remove the word " may be" into the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 11-31, 34-46, 114, 115, 121, 124-137, 143-157, 178, 179, 181, 182, 184-191, 195, 205, 207-221, 223-227, 237, 247, 249-261, 304-311, 313-330, 336, 338-353, 377, 378, 388-399, 409-415, 417, 418, 438-445, 449-460, 476, 477, 483, 486-499, 501, 502, 505, 515, 525-551, 553-566 and 576-585 are rejected under 35 U.S.C. 103

(a) as being unpatentable over Shwed et al (U.S. Pat. No. 5,835,726) in view of Kaler et al US 2003/0140282 A1.

As per claims 1, 5-8, 11-31, 34-46, 114, 115, 121, 124-137, 143-157, 178, 179, 181, 182, 184-191, 195, 205, 207-221, 223-227, 237, 247, 249-261, 304-311, 313-330, 336, 338-353, 377, 378, 388-399, 409-415, 417, 418, 438-445, 449-460, 476, 477, 483, 486-499, 501, 502, 505, 515, 525-551, 553-566 and 576-585 Shwed discloses a system/method for securing the flow of and selectively modifying packets in a computer network by controlling the inbound and outbound, the system comprising:

A plurality of workstations adapted for connection to a computer network, each workstation having a memory (see., figs 1 and 2, abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67);

A data repository arranged to receive data from each of said workstations (see., abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67);

An application stored in said memory of each workstation for transmitting outbound data to said network and receiving inbound data from said network (see., figs 13-15, abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67);

Policy data containing rules defining relevant commercial data which is to be stored in said data repository (see., col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67); and

policy data to monitor at least one of said outbound data and said inbound data, to identify in at least one of said outbound data and said inbound data, relevant commercial data that is to be stored in said data repository in accordance with said rules in said policy data, and to cause said relevant commercial data to be stored in said data repository (see., abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67).

It is to be noted that Shwed fails to explicitly disclose that an analyzer, said analyzer being operable in conjunction with said policy data. However, Kater discloses a method/apparatus for analyzing the performance of a data processing system, particularly a distributed data processing, system, provide a system user with tools for analyzing and application running thereon (see., abstract, pages 1-11, [0096] and [0116]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Shwed by including the limitation detailed above as taught by Kater because this would analyze performance of a data processing system.

As per claim 2, Shwed discloses the claimed limitation wherein said relevant data that is to be stored in said data repository is encrypted prior to it being transmitted to said data repository (see., figs 13-15, col 11, lines 25-67, col 12, lines 1-67, col 13, lines 1-28).

As per claim 3, Shwed discloses the claimed limitation wherein said relevant data that is stored in said data repository is encrypted (see., figs 13-15, col 11, lines 25-67, col 12, lines 1-67, col 13, lines 1-28).

As per claim 4, Shwed discloses the claimed limitation wherein said computer network, to which said one or more workstations are adapted for connection, is the Internet (see., figs 1 and 2).

As per claim 9, Shwed discloses the claimed limitation wherein said analyzer is operable to identify, as relevant data, digital certificates contained in at least one of said outbound or said inbound data or used to digitally sign signed data in said inbound data or said outbound data, or sufficient descriptive data to identify such digital certificates, said digital certificates and/or said descriptive data being stored in said data repository (see., abstract, lines 21-30).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 08/03/2006 have been fully considered but they are moot in view of new ground (s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre Eddy Elisca

Primary Examiner

October 10, 2006